(4)

CF 1002

IN THE HIGH COURT OF JUDICATURE OF CHHATTISGARH

AT BILASPUR

Writ petition (S) No 1003 /2007

Petitioner : Devendra Kumar Sahu

S/o Bakhat Ram Sahu,

Aged about 50 years

R/o Assistant Teacher P.S. Mainpuri Block Kawardha, Distt- Kabirdham (C.G.)

P.R. No. 1282/2
Presented by S. Deepak Jain
dated 13/2/07

VERSUS

Respondents :1. State of Chhattisgarh
Through : Secretary School Education Department Mantralaya D.K.S. Bhawan, Raipur (C.G.)

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2. District Education Officer, Kawardha, Distt- Kabirdham (C.G.)

OATH COMMISSIONER
APARNA MALVIYA
CG-2073/96
13/6/07
Bilaspur Chhattisgarh

WRIT PETITION UNDER SECTION 226 OF THE CONSTITUTION OF INDIA

(21)

HIGH COURT OF CHHATTISGARH AT BILASPUR
W.P. (S) No. 1003 of 2007

Petitioner : Devendra Kumar Sahu

Versus

Respondents : State of Chhattisgarh & others

Single Bench: Hon'ble Mr. Justice **Satish K. Agnihotri.**

Shri Deepak Jain, Counsel for the Petitioner.

Ms. Sunita Jain, Panel lawyer for the State/respondents.

ORDER

(Passed on 21st day of February, 2007)

1. The petitioner is working as Assistant Teacher in the government school. In the course of his services as Assistant Teacher, the petitioner has obtained D.Ed. Examination Certificates in the year 1995, his own expenses.

2. Learned counsel appearing for the petitioner submits that the question involved, herein asto whether the teachers, who obtained D.Ed. Examination Certificates on their own expenses, is entitled to two advance increments.

3. According to learned counsel for the petitioner, the petitioner is entitled to two advance increments in view of the decision of this Court in the case of **Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another** {2006 (II) MPJR-CG 96}. This Court in the case of Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another (Supra), came to the conclusion that the teachers, who had obtained B. Ed. /B.T.I.

Examination Certificate on their own expenses, are covered by the circular dated 24.12.98 issued by the State Government of Madhya Pradesh.

4. In subsequent cases, i.e., Writ Petition (S.) No.4130 of 2005 (***Gopesh Kumar Verma*** **vs.** ***The State Govt. of Chhattisgarh and another***) and other connected matters, decided by this Court on 15-12-2006, pursuant to the memo dated 28-1-1995, issued by the Secretary, Board of Secondary Education, Bhopal and the prospectus of Diploma in Education Examination, it was clarified that the nomenclature of the Basic Training Institute, i.e., B.T.I. has been changed and renamed as Diploma in Education, i.e., D.Ed. Accordingly, the D.Ed. Certificate holders are also covered by the decision in Writ Petition (S.) No.4130 of 2005 (***Gopesh Kumar Verma*** **vs.** ***The State Govt. of Chhattisgarh and another***) (Supra).

5. Learned counsel for the petitioner further submits that the facts and question of law involved in the present case is squarely covered by decision of this Court in the case of **Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another** (Supra), to which learned counsel appearing for the respondents fairly concedes and agrees with the averment made by learned counsel appearing for the petitioners.

6. Accordingly, the writ petition is allowed in terms of the order passed in the case of **Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another** (Supra), subject to

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verification of the fact as to whether the petitioner has acquired D. Ed. Examination Certificates on their own expenses as per the circulars dated 24.12.1998 & 1.3.1999 and further whether they have been paid two advance increments or not. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Yogesh